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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,338	03/10/2004	Jon P. Yarbrough	60,583-004	4307
27305	7590	02/13/2006	EXAMINER	
HOWARD & HOWARD ATTORNEYS, P.C. THE PINEHURST OFFICE CENTER, SUITE #101 39400 WOODWARD AVENUE BLOOMFIELD HILLS, MI 48304-5151			PANDYA, SUNIT	
			ART UNIT	PAPER NUMBER
			3714	

DATE MAILED: 02/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/797,338	<b>Applicant(s)</b> YARBROUGH ET AL.	
	<b>Examiner</b> Sunit Pandya	<b>Art Unit</b> 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/5/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Oath/Declaration***

1. Acknowledgment is made of applicant's Oath/Declaration meets the standard required by 35 U.S.C. 25 & 115.

### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 5/5/2004 is acknowledged. The submission is in compliance with the provisions of 37 CFR 1.97 & 1.98. Accordingly, the examiner has considered the information disclosure statement.

### ***Priority***

3. Acknowledgement is made regarding applicant filing for a Priority, due to a Provisional application filed on 3/10/2003.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-7, 9-12, 14-18, 20-26, 28, 29, 31-39, 42-46 are rejected under 35 U.S.C. 102(b) as being anticipated by Falciglia (US Patent 5,935,002).

Claim 1: Falciglia discloses of generating a result of bingo-type game (col. 1-2:59-12, figures 2A-3D). Falciglia also discloses of displaying the results through a mechanical technological aid at an electronic playing station (figure 1, col. 2:38-46).

Claims 2, 3, 23 & 24: Falciglia discloses of one or more mechanical spinning wheels disclosed within the gaming station (col. 3:26-39).

Claim 4: Falciglia discloses of generating the result of the bingo-type game comprising of creating a bingo card (figure 1, col. 2-3:66-25, col. 8:18-21). Falciglia discloses the method that determines if the entire matrix is filled with covered symbols, i.e. corresponding to a full bingo card, thus generating result on a bingo card (col. 18:13-15).

Claims 5, 7 & 26: Falciglia discloses of a processor, which includes a random number generator for generating five sets of random number for display (col. 1-2:67-13).

Claims 6 & 25: Falciglia discloses reporting the called number to the gaming station to compare to the bingo card after the number has been generated (col. 2:14-27).

Claims 9 & 28: Falciglia discloses of a random number generator for generating called number in succession or in a specific order (col. 1-2:67-13).

Claims 10 & 16: Falciglia discloses of generating the result of the bingo-type game, further comprising whether the called numbers establish a game-ending pattern or an interim pattern on the bingo card (Since the applicant does not clearly disclose the exact meaning of the term "Interim Pattern" in the specification, through broadest reasonable claim interpretation the examiner interprets the terms as just another type of

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winning pattern and will be regarded as that from hereon down throughout rest of the rejection). Falciglia discloses of end of a given turn which can be indicated by placement of the fifth number of a given set during the given turn in the matrix, which causes the disclosed computer system to automatically go to the next turn or to the end of the five turn game session (col. 15:29-50). The number placement could be noticed in figures 2A-3D, which disclose different winning patterns after the placement of the fifth number.

Claims 11 & 17: Falciglia discloses step of displaying the representation of the result on the gaming station, in response to determining whether the game-ending pattern or an interim pattern has been establish on the bingo card (col. 15:45-67, figure 5, element #134, displays the result of the bingo game).

Claims 12, 18 & 29: Falciglia discloses of awarding prizes in response to determining the game-ending patterns or an interim established on the bingo cards. Falciglia awards points or credits for the most bingo combinations (col. 15: 45-50).

Claims 14, 20 & 31: Falciglia discloses of awarding prizes in response to determining the game-ending patterns or interim pattern established on the bingo cards. Falciglia awards points or credits for the most bingo combinations (col. 15:45-50). Falciglia also discloses of providing an auto-daubing option, prior to awarding the prize (col. 13:48-60). Falciglia discloses the matching number having a first color as a foreground, while the background may be changed to a white or gray, thus causing an auto-daubing pattern.

Claim 15: Falciglia discloses of ending the game in response to several game-ending pattern established in the game play (col. 15:29-37). Falciglia discloses of ending of a given turn by the placement of the fifth number of a given set, thus creating a pattern, which could potentially be the game ending pattern.

Claim 21: Falciglia discloses step of determining whether a plurality of players are playing the bingo-type game. Falciglia discloses method referring to a single player using the computer-based system and method operating in a multi player mode to conduct a multi-player game (col. 16:40-47), Falciglia thus inherently disclose the steps of determining whether plurality of players are playing the bingo game.

Claim 22: Falciglia discloses of generating the result of the bingo-type game comprising of creating a bingo card (figure 1, col. 2-3:66-25, col. 8:18-21). Falciglia discloses the method that determines if the entire matrix is filled with covered symbols, i.e. corresponding to a full bingo card, thus generating result on a bingo card (col. 18:13-15). Falciglia discloses of a processor, which includes a random number generator for generating five sets of random number for display (col. 1-2:67-13). Falciglia discloses of generating the result of the bingo-type game, further comprising whether the called numbers establish a game ending or an interim pattern on the bingo card. Falciglia discloses of end of a given turn maybe indicated by placement of the fifth number of a given set during the given turn in the matrix, which causes the disclosed computer system to automatically go to the next turn or to the end of the five turn game session (col. 15:29-50). The number placement could be noticed in figures 2A-3D, which disclose different winning patterns after the placement of the fifth number.

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Falciglia discloses step of displaying the representation of the result on the gaming station, in response to determining whether the game-ending pattern has been established on the bingo card (col. 15:45-67, Figure 6, element #134, displays the result of the bingo game).

Claims 32 & 45: Falciglia discloses a server for generating at least one called number that correlates to the result of bingo-type game. Figures 7 & 8 disclose a game server which performs as a primary game server for maintaining the executive function and the record module which coordinates operation of all the set of game server (col. 11:7-30). Falciglia also discloses an electronic gaming station in operative communication with the above-mentioned game server and comprising a mechanical technological aid for displaying a representation of result of the bingo-game (col. 11:23-55, also figures 6 & 7).

Claim 33: Falciglia discloses of a server creating a bingo card and communicating the card to the electronic gaming station (col. 8: 43-57). Falciglia discloses of a processor that generates a set of five randomly generated symbols or a bingo card, which are displayed to the user (figure 5, element # 140 and # 132). Falciglia also discloses of generating the result of the bingo-type game comprising of creating a bingo card (figure 1, col. 2-3:66-25, col. 8: 18-21). Falciglia discloses the method that determines if the entire matrix is filled with covered symbols, i.e. corresponding to a full bingo card, i.e. generating result on a bingo card which could be a game ending pattern or an interim pattern (figure 5, element 166, col. 18:13-15).

Claim 34: Falciglia discloses of a controller or processor for creating a bingo card (col. 8: 43-57). Falciglia discloses of said processor or a controller that generates a set of five randomly generated numbers or symbols or a bingo card, which are displayed to the user (figure 5, element # 140 & # 132). Falciglia also discloses of generating the result of the bingo-type game comprising of creating a bingo card (figure 1, col. 2-3:66-25, col. 8: 18-21). Falciglia discloses the method that determines if the entire matrix is filled with covered symbols, i.e. corresponding to a full bingo card, thus generating result on a bingo card which could be a game ending pattern or an interim pattern (figure 5, element # 166, col. 18:13-15).

Claims 35: Falciglia discloses of game server, which includes a processor for controlling an executive function, a records keeper function. Falciglia also discloses one of the sets of game servers to be connected to the on-line services server and to other game servers to perform as a primary game server for maintaining the executive function (figures 7 & 8, col. 11:19-30). Falciglia inherently discloses the method that determines if the entire matrix is filled with covered symbols, i.e. corresponding to a full bingo card, thus generating and comparing the results to the called numbers, on a bingo card which could be a game ending pattern or an interim pattern (figure 5, element # 166, col. 18:13-15).

Claims 37 & 38: Falciglia discloses of an Ethernet network to communicate between the server and the gaming station (col. 10:45-54). Thus creating an operative communication link.



Claim 39: Falciglia discloses of a server generating a plurality of called numbers (figure 7 & 8 discloses game server and client server respectively, col. 13:27-33, 41-47).

Claims 42 & 43: Falciglia discloses of a server being local or remote (wide) relative to the gaming station (col. 10: 45-54).

Claim 44: Falciglia discloses a video display section (figure 8, col. 1:59-61), and a mechanical display section (col. 3:26-33). Falciglia also discloses of generating the result of the bingo-type game comprising of creating a bingo card (figure 1, col. 2-3:66-25, col. 8:18-21). Falciglia discloses the method that determines if the entire matrix is filled with covered symbols, i.e. corresponding to a full bingo card, thus generating result on a bingo card (col. 18:13-15). Falciglia also discloses of a video display section that displays the called number in the bingo-type game (figure 10 discloses display screen for bingo type game, which also displays the called numbers, col. 13:27-33). Falciglia also discloses mechanical technological aid disposed within the mechanical display screen (col. 3:26-39).

Claim 46: Falciglia discloses a program product for playing a bingo-type game wherein the program product is stored on a computer readable medium (col. 8:43-49), comprises of a result program code for generating a result of the bingo-type game (col. 9:44-50, col. 10:6-14). Falciglia discloses of a processor, which includes a score generator to generate a score of points awarded for attaining valid bingo conditions, thus inherently generating a result of the game. Falciglia also discloses a display program code for displaying a representation of the result through a mechanical

technological aid at an electronic play station. Falciglia teaches of a game client, which includes an event processor connected to a user input device, a game display and a communication device. Wherein the event processor performs wheel spins, and changes the current display (col. 11:19-42). The program code is inherently compiled within the processor, since a processor cannot instigate without the program code, hence the program is stored in the memory and is being utilized by the processor, and is used as a display program to display the game on the gaming station.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 8, 27, 40 & 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Falciglia.

Claims 8 & 27: Falciglia discloses a random number generator for generating called number (col. 1-2:67-13). However Falciglia does not disclose of all the numbers being generated at the same time, it would have been obvious to one of ordinary skill in the art at the time of the invention, to allow all the numbers to be generated at the same time, thus speeding up the game, and allowing players to maximize their winning in limited time.

Claims 40 & 41: Falciglia discloses of a server generating a plurality of called numbers (figure 7 & 8 discloses game server and client server respectively, col. 13:27-33, 41-47). Falciglia however does not disclose of these numbers being generated at the same time. It would have been obvious to one of ordinary skill in the art at the time of the invention, to allow all the numbers to be generated at the same time, thus speeding up the game, and allowing players to maximize their winning in limited time.

8. Claims 13, 19 & 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Falciglia as applied to claims above, and further in view of Lind (US Patent Publication 2004/0176169).

9. Claims 13, 19 & 30 7: Falciglia discloses of awarding prizes in response to determining the game-ending patterns or interim pattern established on the bingo cards. Falciglia awards points or credits for the most bingo combinations (col. 15:45-50). However Falciglia fails to teach of manually daubing for the patterns in the game.

Lind teaches of occurrence of daubing that may be performed manually by the players at the playing station, using a suitable interface (par 8). It would have been obvious to one having ordinary skill in the art at the time the applicant's invention was made to have modified Falciglia's gaming machine to include the process of manual daubing disclosed by Lind, thus by implementing manual daubing in the gaming machine, the players are actively participating in the bingo-type game and active participation creates an exciting playing environment for all participating players.

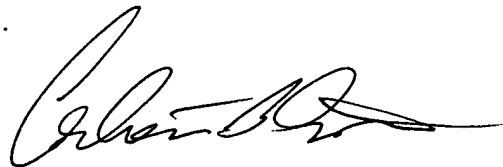
### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please see the attached copy of cited references.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunit Pandya whose telephone number is (571) 272-2823. The examiner can normally be reached on M - F: 7:30 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Jones can be reached on (571) 272-4438. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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